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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,440	08/24/2001	Brett Green	10013477-1	2757

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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/939,440	GREEN, BRETT	
	<b>Examiner</b> Houshang Safaipour	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 16 May 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's amendment filed on May 16, 2005 has been entered and made of record.

Applicant's arguments with regards to the amended claims have been considered, but are moot in view of the new grounds of rejection.

### ***Claim Objections***

Claim 5 is objected to because of the following informalities: "and transmit the translated file back a faxing device". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 3, 5-8, 10-16, 18 and 20-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Iida (U.S. Patent No. 6,900,903).

Regarding claim 1, Iida discloses a method practiced by a faxing device for faxing a document, comprising:

receiving a fax request from a network browser; uploading content from the faxing device to the network browser; receiving a fax job from the network browser; and transmitting a facsimile from the faxing device to a recipient device (fig. 6, col. 28-59).

Regarding claim 2, Iida discloses the method of claim 1, wherein the step of uploading content to the user browser comprises uploading logic configured to generate at least one control screen for display within the browser (col. 6, lines 7-33).

Regarding claim 3, Iida discloses the method of claim 1, wherein the step of uploading content to the user browser comprises uploading at least one application that is configured to perform a designated task on a computing device on which the browser runs (col. 5, lines 33-41).

Regarding claim 5, Iida discloses the method of claim 3, wherein the at least one application is configured to retrieve a selected file, translate it, and transmit the translated file back a faxing device (col. 6, lines 33-47).

Regarding claim 6, Iida discloses the method of claim 1, further comprising the step of receiving information transmitted from the user browser (col. 6, lines 23-33).

Regarding claim 7, Iida discloses the method of claim 1, wherein the step of receiving information comprises receiving a file name and location (col. 6, lines 23-33).

Regarding claim 8, Iida discloses the method of claim 7, wherein the step of receiving information further comprises receiving a document type (col. 6, lines 7-33).

Regarding claims 10-12, the arguments analogous to those presented for claims 1-3 are applicable to claims 10-12 respectively.

Regarding claims 13-15, the arguments analogous to those presented for claims 1-3 are applicable to claims 13-15.

Regarding claim 16, the arguments analogous to those presented for claims 1-3 are applicable to claim 16.

Regarding claim 18, the arguments analogous to those presented for claim 5 are applicable to claim 18.

Regarding claims 20-29, please refer to discussion under claim 1 and also the abstract.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 9, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iida (U.S. Patent No. 6,900,903).

Regarding claims 4, 9, 17 and 19, the tasks of determining the contents of a hard disk, uploading a confirmation notice to the user browser and having one application comprising of a java applet are well known and routinely implemented in the art. Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include these feature applications in Iida's invention.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipour whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles, Sr. can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipour  
Patent Examiner  
Art Unit 2622  
October 13, 2005

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECH. 2622